

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

STUDENT RESOURCE CENTER, LLC) CASE NO. 2:22-cv-02653-ALM-CMV
Plaintiff,)
v.) Chief Judge Algenon L. Marbley
EASTERN GATEWAY COMMUNITY) Magistrate Judge Chelsey M. Vascura
COLLEGE)
Defendant.))
) **NOTICE OF STATE COURT STAY**
)

PLEASE TAKE NOTICE that on December 19, 2024 Judge Michelle Garcia Miller issued the attached Order staying proceedings in Jefferson County Court of Common Pleas Case Nos. 24 CV 382 (“Levy Complaint”) and 24 CV 383 (“Reverter Complaint”). Pursuant to the Order, the disposition of claims at issue in both the Levy Complaint and Reverter Complaint are stayed “pending further order of J. Marbley or of this Court.” Order at ¶ 4. This specifically includes the Jefferson County Board of Commissioners’ (“Board”) disputed claims that the reversionary interest in the Steubenville Campus Property has been activated and title to the Property has reverted to the Board.

Respectfully submitted,

/s/ Adam D. Fuller

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Adam D. Fuller
Special Counsel for Plaintiff

4937-1335-4760, v. 1

**FILED
IN THE COURT OF COMMON PLEAS
JEFFERSON COUNTY, OHIO**
2024 DEC 19 AM 11:48

**BOARD OF COMMISSIONERS,
JEFFERSON COUNTY, OHIO**

**ANDREW D. PLESICH
CLERK OF COURTS
JEFFERSON COUNTY, OH**

Plaintiff, : Judge Michelle Garcia Miller
v. :
EASTERN GATEWAY COMMUNITY : Involving Real Estate Located at:
COLLEGE :
Defendant. : 4000 Sunset Blvd,
: Steubenville, Ohio 43952
:

**JEFFERSON COUNTY, OHIO
BUDGET COMMISSION**

: Case No. 24 CV 382

Plaintiff, :
v. :
EASTERN GATEWAY COMMUNITY :
COLLEGE :
Defendant. :
:

ORDER ON VALIDITY OF REVERTER CLAUSE AND STAY OF PROCEEDINGS

This matter comes before the Court on the Complaint (the "Reverter Complaint") filed by Plaintiff Board of Commissioners for Jefferson County, Ohio (the "Commissioners"), the Complaint (the "Levy Complaint") filed by Plaintiff Jefferson County, Ohio Budget Commission (the "Budget Commission"), and the Answers of Defendant Eastern Gateway Community College ("Defendant"). By agreement of the Commissioners, the Budget Commission, and Defendant, this Court finds as follows:

1. The Commissioners executed a deed (the "Original Deed") to the Board of Trustees of The Jefferson County Technical Institute for the property located at 4000 Sunset Blvd.,

Steubenville, Ohio 43952, and further described in the legal description attached hereto as Exhibit A (the “Property”).

2. The Original Deed was executed on April 7, 1967 and recorded on April 24, 1967 in the Jefferson County, Ohio Recorder’s Office at Volume 455 Page 599.
3. The Original Deed conveyed the Property, subject to a reverter clause, which provided that the conveyance was made for educational purposes only, and “if said premises are not used for educational purposes or if said premises cease to be used for educational purposes, title shall revert to the County of Jefferson, Ohio.”
4. The Board of Trustees of the Jefferson County Technical Institute conveyed the Property to Jefferson Community College by Warranty Deed, executed July 17, 1995 and recorded on August 2, 1995 in the Jefferson County, Ohio Recorder’s Office at Volume 170 Page 337 (the “1995 Deed”).
5. The 1995 Deed conveyed the Property subject to the reversionary clause.
6. Eastern Gateway Community College is the successor in interest to Jefferson Community College by operation of law pursuant to R.C. 3354.24.

This Court further finds that Judge Algenon L. Marbley entered an Order of Prejudgment Attachment Order (the “Prejudgment Attachment Order”) on September 27, 2024 in Case Number 2:22-cv-2653 in the United States District Court for the Southern District of Ohio, Eastern Division. The Prejudgment Attachment Order, among other things, states that the Property shall not be transferred, moved, sold, or encumbered without order from that court.

This Court further finds that J. Marbley entered an additional Order on October 16, 2024 (the “October Order”) in which J. Marbley stated that the “parties agree that the Commissioners hold a reversionary interest in the [Property].”

Upon consideration of the Complaint, the undisputed facts, the Prejudgment Attachment Order, and the October Order, this Court held a status conference on December 17, 2024 to discuss the pending issues in this case.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that:

1. The Commissioners' currently hold an enforceable reversionary interest in the Property.
2. Defendant acquired its interest in the Property subject to the Commissioners' reversionary interest.
3. The Original Deed defines the Commissioners' reversionary interest as follows: (i) the conveyance was made "for educational purposes only," and (ii) "if said premises are not used for educational purposes or if said premises cease to be used for educational purposes, title shall revert to the County of Jefferson, Ohio."
4. The disposition of the remaining claims at issue in the Reverter Complaint and all claims at issue in the Levy Complaint are hereby stayed, pending further order of J. Marbley or of this Court.
5. During the stay, the parties are hereby instructed to continue discovery on their claims, so that these matters can efficiently proceed to disposition in the event this stay is lifted.
6. Until further order of this Court, Defendant shall not permit waste, neglect, or destruction of the Property.
7. Until further order of this Court, Defendant shall maintain, preserve, and repair the Property, including without limitation the roof, the pipes, the heating, ventilation, and air conditioning systems.
8. Upon reasonable request from the Commissioners, Defendant shall permit representatives, agents, or vendors of the Commissioners access to the Property for the purpose of

inspecting the condition of the Property to confirm it is being maintained in compliance with the obligations imposed under this Order.

9. Any party hereto may file a request to modify the rights and obligations under Paragraphs 6-8 hereof or to lift or modify the stay upon the occurrence of any development that would support the modification or termination of this Order.
10. This Order shall be effective and enforceable immediately upon its entry and the provisions shall be self-executing.
11. The Clerk of Courts shall cause a certified copy of this Order to be recorded with the Recorder of Jefferson County, Ohio and cross-referenced to the Property.
12. Pursuant to Civ. R. 54(B), the Court finds that there is no just reason for delay.
13. This is a Final Appealable Order and the Clerk of Courts shall serve notice to the parties of this Order pursuant to Civ. R. 58.

IT IS SO ORDERED.

12/19/2024
Date



Judge Miller

THIS IS A FINAL APPEALABLE ORDER AND THE CLERK OF COURTS SHALL SERVE NOTICE TO THE PARTIES OF THIS ORDER PURSUANT TO CIV. R. 58.

EXHIBIT A

Situated in Section 12, Twp. 6, Range 2, Jefferson County, Ohio and being in the City of Steubenville:

PARCEL 1:

Beginning at the Northwesterly corner of said property as described above, thence with the northerly line thereof North 89 1/4° East 1370 feet, more or less, to the intersection of said line with the westerly right of way line, if extended, of the John Scott Memorial Highway, thence with said right of way line South 10°-30' West 1400 feet, more or less, thence along a curve to the left of 2070 foot radius a distance of 1973.2 feet, thence still with said right of way line South 41°-21' East 850 feet, more or less, thence North 48°-39' East 30 feet, thence South 41°-21' East 280 feet, thence along a curve to the right of 2815 foot radius a distance of 145 feet, thence leaving said right of way line South 41° West 314 feet, more or less, thence North 44° West 1452 feet; thence North 41° East 194.7 feet, thence North 34°-00' West 346.5 feet, thence North 21° West 891 feet, thence North 67° West 1023 feet, thence North 0°-30' East 1666.5 feet to the beginning. Containing 68.7 acres, more or less.

PARCEL 2:

Beginning at a point in the easterly line of said 153 acre tract, as described above, said point being South 12° West 1055 feet, more or less, from the northeasterly corner of said original tract, thence with the easterly line of said tract South 12° West 1123 feet, more or less, to a point in the northeasterly right of way line of the John Scott Memorial Highway, thence with said right of way line North 41°- 21' West 40 feet, thence North 48°-39' East 30 feet, thence North 41°-21' West 870 feet, more or less, thence along the arc of a curve to the right of 1910 foot radius a distance of 670 feet, more or less, to the southwesterly corner of the Children's Home tract, thence with the southerly line of said tract and the easterly extension of said line South 81°-19' East 1178.4 feet to the beginning. Containing 16.0 acres, more or less.

Permanent Parcel Number: 08-01519-000

EXCEPTING AND RESERVING the following real property, more described as and recorded in Volume 155, Page 869 of the Official Records of Jefferson County:

PARCEL 1:

Beginning at a point on the northerly right of way line of Mall Drive, said point being distant the following courses and distances from a reference point on the westerly right of way line of John Scott Memorial Highway at station 18+05.06; by a curve to the left having a radius of 2070.00 feet and an arc distance of 44.10 feet (chord S. 10° 18' 01" E. 44.10 feet), by a curve to the right having a radius of 50.00 feet and an arc distance of 76.64 feet (chord S. 33° 00' 12" W. 69.36 feet), S. 76° 55' 02" W. 69.09 feet, by a curve to the left having a radius of 565.00 feet and arc distance of 28.88 feet (chord S. 75° 27' 10" W. 28.88 feet), thence from the principal place of beginning along line of lands of Huberta Mining Company N. 13° 00' 00" W. 476.49 feet to an iron pin; thence still along same N. 59° 04' 15" W. 1010.25 feet to an iron pin; thence along line of lands of the Hilltop Plan of Lots N. 08° 38' 54" E. 52.97 feet to an iron ping thence through lands of Jefferson County

Technical Institute S. $59^{\circ} 04' 25''$ E. 191.81 feet to an iron pin; thence still through same S. $72^{\circ} 31' 12''$ E. 948.49 feet to a point on the westerly right of way line of John Scott Memorial Highway; thence along the westerly right of way line of John Scott Memorial Highway by a curve to the left having a radius of 2070.00 feet and an arc distance of 528.86 feet (chord S. $02^{\circ} 21' 25''$ E. 528.41 feet) to a point; thence still along same by a curve to the left having a radius of 2070.00 feet and an arc distance of 44.10 feet (chord S. $10^{\circ} 18' 01''$ E. 44.10 feet) to a point at the intersection of John Scott Memorial Highway and Mall Drive; thence along the northerly line of Mall Drive by a curve to the right having a radius of 50.00 feet and an arc distance of 76.64 feet (chord S. $33^{\circ} 00' 12''$ W. 69.36 feet) to a point; thence still along same S. $76^{\circ} 55' 02''$ W. 69.09 feet to a point; thence still along same by a curve to the left having a radius of 565.00 feet and an arc distance of 28.88 feet (chord S. $75^{\circ} 27' 10''$ W. 28.88 feet) to a point at the place of beginning. Containing a total area of 5.467 acres.

PARCEL 2:

Beginning at a point on the westerly right of way line of John Scott Memorial Highway, said point being distant N. $02^{\circ} 21' 25''$ W. 528.41 feet from a reference point on the westerly right of way line of John Scott Memorial Highway at station 18+05.06; thence from the principal place of beginning through lands of Jefferson County Technical Institute N. $72^{\circ} 31' 12''$ W. 582.89 feet to an iron pin; thence still through same N. $38^{\circ} 40' 27''$ E. 111.60 feet to an iron pin; thence still through same S. $72^{\circ} 31' 12''$ E. 116.00 feet to an iron pin; thence still through same N. $65^{\circ} 05' 58''$ E. 164.60 feet to an iron pin; thence still through same S. $67^{\circ} 43' 35''$ E. 272.70 feet to a point on the westerly right of way line of John Scott Memorial Highway; thence along the westerly right of way line of John Scott Memorial Highway by a curve to the left having a radius of 2070.00 feet and an arc distance of 195.13 feet (chord S. $07^{\circ} 40' 35''$ W. 195.06 feet) to a point at the place of beginning. Containing a total area of 2.107 acres

PARCEL 3:

Beginning at a point on the southerly right of way line of Mall Drive at the dividing line of lands of Jefferson County Technical Institute and Huberta Mining Company, Inc., said point being distant the following courses and distances from a reference point on the westerly right of way line of John Scott Memorial Highway at Station 18+05.06 by a curve to the left having a radius of 2070.00 feet and an arc distance of 44.10 feet (chord S $10^{\circ} 18' 01''$ E 44.10 feet), by a curve to the right having a radius of 50.00 feet and an arc distance of 76.64 feet (chord S $33^{\circ} 00' 12''$ W 69.36 feet), S $76^{\circ} 55' 02''$ W 69.09 feet, by a curve to the left having a radius of 565.00 feet and an arc distance of 28.88 feet (chord S $75^{\circ} 27' 10''$ W 28.88 feet), S $13^{\circ} 00' 00''$ E 60.09 feet, to said beginning point, thence along the southerly right of way line of Mall Drive in an easterly direction by a curve to the right having a radius of 505.00 feet and an arc distance of 28.97 feet (chord N $75^{\circ} 16' 25''$ E 28.97 feet); thence still along same N $76^{\circ} 55' 02''$ E 69.07 feet to a point; thence still along same by a curve to the right having a radius of 50.00 feet and an arc distance of 76.66 feet (chord S $59^{\circ} 09' 34''$ E 69.37 feet); thence along the westerly right of way line of John Scott Memorial Highway by a curve to the left having a radius of 2070.00 feet and an arc distance of 510.71 feet (chord S $22^{\circ} 18' 14''$ E 509.42); thence through lands of Jefferson County Technical Institute S $60^{\circ} 37' 41''$ W 164.08 feet to a point; thence along lands of Huberta Mining Company,

Inc. N 30° 22' 00" W 244.52 feet; thence still along same N 13° 00' 00" W 362.67 feet to a point at the place of beginning. Containing a total area of 2.177 acres.